

REMARKS

Claims 1 and 4-9 are pending. By this Amendment, claims 1 and 4-6 have been amended, claims 2 and 3 have been cancelled, and claims 7-9 have been added. The features of claims 2 and 3 and additional features have been placed into claim 1. Claim 7 corresponds to original claims 1 and 4 combined. Claims 8 and 9 correspond to original claims 5 and 6, but depend from claim 7. Thus, no new matter is added by this amendment.

Applicants note with appreciation the identification of allowable subject matter in claims 4-6. Applicants submit that all pending claims are in condition for allowance, as detailed below.

Rejection under 35 U.S.C. 103(a)

The Office Action rejects claims 1-3 under 35 U.S.C. 103(a) over Takano (U.S. Patent No. 6,186,263) in view of Kinsey (U.S. Patent No. 3,856,123). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the Office Action has failed to MAKE a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143. As discussed below, the Office Action has failed to show a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The Office Action states that while Takano does not disclose positioning the shift operation device on the handle bar of the vehicle, Kinsey teaches a shift operation device

positioned on a handle bar at a position adjacent to a handle grip and, thus, in view of Kinsey it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinsey with the speed change apparatus of Takano to result in Applicants' claimed invention. Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the teachings of Takano with the teachings of Kinsey. The motorcycle of Kinsey and the vehicle of Takano are nonanalogous art, as they are designed to serve different purposes and to solve different problems. One of ordinary skill in the art of all terrain vehicles (ATV) would not look to a motorcycle to solve any problems in the art. Specifically, one of ordinary skill in the art of vehicles would not look to a motorcycle to address gear shifting and transmission issues. The design and function of gear shifting and transmission components of a motorcycle, such as the one disclosed in Kinsey, are completely different from the gear shifting and transmission components of an ATV. For example, the transmission of a motorcycle provides for forward movement only. On the other hand, a transmission of an ATV, includes a forward/backward movement switching device which provides for forward and backward movement of the vehicle. Furthermore, the gear shifting and transmissions of motorcycles and ATV transmissions are also different in that the shifting operations are completely different. For example, as disclosed in Kinsey, the shifting operation is performed in cooperation with a clutch lever so that gears for forward movement can be shifted. On the other hand, as recited in claim 1, the ATV transmission apparatus is a non-stage transmission which does not include a clutch lever.

Accordingly, Applicants respectfully submit that the Examiner has failed to make the *prima facie* case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the ATV speed change apparatus of Takano with the motorcycle shifting

device of Kinsey. Thus, Applicants respectfully submit that claim 1 is allowable over the applied art for the reasons discussed above.

New Claims

New independent claim 7 includes the features recited in original claims 1 and 4. Accordingly, Applicants submit that independent claim 7 is allowable. Claims 8 and 9 depend from claim 7 and thus are also allowable.

Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: August 16, 2006

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